

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Original Application No. 1211/2024

Raja Muzaffar Bhat

Applicant

Versus

Union Territory of Jammu & Kashmir & Ors.

Respondent(s)

In the matter of: Reply on behalf of respondent No.1
and 4 to the Original Application.

Most Respectfully showeth as under:

1. **Reply to Para No. I & II:** That the contents of Para I & II are matter of record, hence need no reply.
2. **Reply to Para No. III:** That in reply to the contents of Para III, it is submitted that the office of District Mineral officer Budgam (DMO) issued disposal permits in favour of various executing agencies for extraction of RBM from Sukhnag Nallah exclusively for Govt works of emergent nature, requisitions of which are made by these executing agencies. The spot from which the material is to be extracted is provided by Flood spill Channel Division Narbal along with proper site plan and geo-coordinates. Besides this, a meeting of the District Level Single Window Committee reconstituted vide Govt. order No. 1145-JK (GAD) of 2021 Dated: 28.10.2021 was convened by the Deputy Commissioner Budgam on 02.11.2022 wherein the issuance of NOC's by Stake-holding departments for lifting of RBM/Nallah Muck and Clay for the construction of Semi-Ring Road Project in favour of M/S NKC Projects Pvt. Ltd was discussed and it was directed by the Chair that extraction of RBM and Clay by NKC Projects Pvt. Ltd. be

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District Mineral Officer
Geology & Mining Deptt.
Budgam.

allowed from Sukhnag Nallah till the NOC's are granted in their favour. The Superintending Engineer Flood Control Division Budgam was directed to explore further sites in Sukhnag Nallah for keeping the material readily available for the said executing agency (Copy of the Minutes of meeting is enclosed as **Annexure-I**). Besides it was directed that any letter/order from the Chairman of the Committee shall be treated as NOC by the concerned. It will be worthwhile to mention here that the office of DMO Budgam acts tough against any illegal mining activity in the whole district particularly in Nallahs, which is evident from the fact that during the current financial year numerous seizures have been conducted from the area in question and offence compounded as admissible under rules. Besides numerous F.I.R have been lodged against various offenders in different Police Stations of the area in question.

- 3. Reply to Para No. IV:** In reply to the contents of Para No. IV, it is submitted, kindly treat the reply of Para III for this para too to avoid repetition. Further in addition it is submitted that the disposal permits are issued by this office only after spot identification by Flood Spill Channel Division Narbal. It is pertinent to mention here that as per the provisions of J&K Water Resources (Regulation & Management) Act, 2010 ownership of all water resources has been vested with the Govt. vide Sec 3(1) of the Act. The department of Irrigation & Flood control is the key stake holding department for safeguarding the embankments of Nallahs/Water bodies and the activities which can cause damage with regard to depth etc. However, if and when DMO office found any illegal mining activity action has been taken against the offenders as prescribed under rules. However, the matter regarding halting of water supply to a trout fish farm of one fish farmer namely Peerzada Rayees at village Doenkuel Bagh in Beerwah Tehsil is not in the domain of this department. With regard to requirement of Environmental Clearances from SEIAA for extraction of minor minerals from Nallahs, it is to mention that this office

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 District Mineral Officer
 Geology & Mining Deptt.
 Budgam

issues disposal permissions only for Govt. works of emergent nature, which are exempted from the requirement of EC's as per Ministry of Environment, Forest and Climate Change (MoEF&CC) Notification vide S.O.1224 (E) dated; 28th March 2020 where under in Appendix-IX, Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. and Dredging and De-silting of dams, reservoir, weirs, barrages, rivers and canals for the purpose of their maintenance, up-keep and disaster management have been exempted from requirement of Environmental Clearance.

- 4. Reply to Para No. V:** In reply to the contents of Para V, it is submitted that this office has issued disposal permissions only in favour of various executing agencies for Govt. works of emergent nature, which are exempted from requirement of EC's as per Ministry of Environment, Forest and Climate Change (MoEF&CC) Notification vide S.O.1224 (E) dated; 28th March 2020 where under in Appendix-IX, Extraction or sourcing or borrowing of ordinary earth for the linear projects such as roads, pipelines etc. and Dredging and De-silting of dams, reservoir, weirs, barrages, rivers and canals for the purpose of their maintenance, up-keep and disaster management have been exempted from requirement of Environmental Clearance.

An affidavit in support is enclosed herewith.

**On behalf of
Respondent no.1 & 4**

[Handwritten Signature]
District Mineral Officer
District Mineral Officer, Deptt.
Budgam Budgam

BEFORE THE NATIONAL GREEN TRIBUNAL,**PRINCIPAL BENCH, NEW DELHI****Original Application No. 1211/2024****Raja Muzaffar Bhat****Applicant****Versus****Union Territory of Jammu & Kashmir & Ors.****Respondent(s)****IN THE MATTER OF: AFFIDAVIT IN SUPPORT OF REPLY**

I, Shri Faisal Masood Wani, S/o Masood Ul Haq R/o Garden Lane Chanapora, age 39 years presently posted as District Mineral Officer, Budgam, do hereby state an oath/solemn affirmation that I have read the contents of reply of the above titled Original Application and declare that the contents of reply are true and correct as per the records available in the Department and nothing has been concealed therein.

Verification

I solemnly swear/affirm that this affidavit is true and no part of this is false and nothing has been concealed therein.

Faisal Masood Wani
DEPONENT
 District Mineral Officer
 Geology & Mining Deptt.
 Budgam.

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DEPONENT
 District Mineral Officer
 Geology & Mining Deptt.
 Budgam.



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Office of the Deputy Commissioner Budgam.

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Minutes of the Meeting

A Meeting of District Level Single Window committee constituted was convened under the chairmanship of Deputy Commissioner, Budgam on 2nd of November 2022.

At the onset a review was held about the progress achieved in the project. Additional Deputy Commissioner, nodal person of the Committee gave the presentation about the current status of the project along with the expected time line. Each Committee member also gave specific inputs about their respective departments. After the initial briefing, a threadbare discussion was held on various aspects of the project especially involving interdepartmental coordination.

The issues discussed along with the decisions taken as given under

Issue 1: Delay in approval of STP of Clay qty. 50,000 MT by JD Office. The DMO informed that the matter has been raised with the Mining Department who had given assurance for early favourable action. Currently permission of only 5000 MT is given which get exhausted in few day

Decision: The Company shall submit a **detailed STP** which shall be forwarded to the Joint Director, Geology and Mining Office, Kashmir for Approval for single time clearance. DMO shall facilitate in preparation and submission of the plan. Meanwhile the Company shall also explore the options of applying for **quarry license**. Meanwhile DMO shall see to it that all pending proposals are cleared within 7 days.

Issue 2: Non-availability of sufficient mining materials in the Project area.

Decision: The company along with the Geology & Mining Dept. will do **joint survey** and suggest up or identify mining areas sufficient for the project.

Issue 3: Demand of consideration cost for dredging GSB materials from Sukhnag Nala by Irrigation dept., Narbal Division.

Decision: The Committee waived off the Consideration Cost to Irrigation department, Narbal division subject to the vetting by the concerned department.

Issue 4: STP from DMO Budgam for extractions of Soil / Earth from borrow not received yet.
Decision: All the STPs to be provide by DMO Budgam for Borrow areas at Gowherpora, Ichkoot, Kunzwera and Magam as per the relevant rules and regulations in a time bound manner

Issue 5: Approval of 2,00,000 MT Boulders Sukhnag Nala not received yet from Superintending Engineer, Flood Control, Budgam.

Decision: SE FC & I directed to issue the necessary clearance within one week.

Issue 6: Non-compliance of the company with respect to the generation of e-challan.

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*(Signature)
 District Mining Officer
 Geology & Mining Deptt.
 Budgam*

Decision: Company to ply material laden vehicles **only with valid e-challans** and also ensure all the vehicles of the Company are **GPS enabled** and the same is shared with DMO and ADC.

Issue 6: The E-Challan time limit is only **2 hours** but vehicles take a long time to reach their destinations. Also sometimes there is delay in approval of the E-Challan.

Decision: The duration of the E-Challan shall be extended up to **5 hours** by the Office of DMO Budgam. Also The permission should be provided within 5 minutes by the Office of DMO Budgam. ADC shall personally monitor this and submit daily report.

Issue 7: CTO of Crusher not yet received in spite of regular follow up.

Decision: ADC to take up the matter with the concerned and ensure early redressal.

In order to expedite the process it was also decided that any letter/ order from the chairman of the committee shall be treated as a **NOC** by all the concerned

Finally all the Committee members were directed to send daily status reports to the ADC who was further directed to ensure any issue which might emerge are resolved in real time basis.

The next date of meeting was fixed on **18-Nov-2022**.

Project Coordinator NKC Project Private Ltd.

Assistant Director Fisheries Budgam

District Mineral Officer Budgam

Wildlife Warden Budgam

Executive Engineer Flood Control Division Narbal

District Pollution Control Board Officer Budgam

Chief Agricultural Officer Budgam

Assistant Commissioner Revenue, Budgam

Additional Deputy Commissioner Budgam

Assistant Director Tourism Budgam

District Soil Conservation Officer Budgam

Divisional forest Officer, PP Budgam

Executive Engineer Irrigation Budgam

Executive Engineer PDD Budgam

Chief Horticulture Officer Budgam

Superintending Engineer Hydraulic Budgam

Project Director NHAI

Additional Deputy Commissioner Budgam

Deputy Commissioner Budgam

P/C attached

*MP
dubal*

*District Mineral Officer
Geology & Mining Deptt.
Budgam*